

Attorney's Docket No.: 06618-720001 / CIT-3325

REMARKS

Applicants gratefully acknowledge the allowance of Claims 12-20 and the indication that Claims 6-9 are allowable. Reconsideration and allowance of the entire application are respectfully requested in view of the above amendments and the following remarks.

The specification has been amended to correct a number of typographical errors. No new matter is added.

In the amendments to claims, Claim 1 has been amended to correct a grammatical error; Claim 10 has been cancelled and Claim 12 has been amended to clarify its language and to eliminate an extra period at the end of line 11. In addition, the allowable Claim 6 has been amended to include features in its base Claim 1 and thus is now in full condition for allowance in the amended form. Accordingly, Claims 7-8 based on Claim 6 should also be in condition for allowance. No new matter is added.

In addition new dependent claims, 21-34, have been added based on independent Claims 6 and 12 as amended. New Claims 21-34 are patentable because amended Claims 6 and 12 are patentable. Upon entry of the above amendments, Claims 1-9 and 11-32 are pending and under consideration.

We now address rejections to Claims 1-5 and 11.

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Claims 1, 2, and 5 stand rejected under 35 USC 102(e) as allegedly being anticipated by Harsh. It appears that this rejection should be made under 35 USC 102(a) or 102(b) because Harsh is a publication that was published in January of 1999, prior to the earliest priority date of November 2, 2000 of this application.

Harsh, however, does not disclose each feature in Claims 1, 2, and 5 and thus does not support the rejections. The Patent Office cites the processing method shown in FIGS. 2 and 4 in Harsh to support its contention of anticipation.

FIG. 4 in Harsh illustrates the processing steps to transfer MEMS device initially fabricated on a host substrate (represented by a shaded box) to a target substrate (represented by a blank box). Referring to illustration for step 1, the MEMS device to be transferred is formed on the host substrate and is initially embedded in a SiO_2 layer. At the step 4, the host substrate is fixed to the target substrate by epoxy. At this point, the SiO_2 layer is obviously located in the space between the host and target substrates and is in contact with the MEMS device. At step 5, Harsh performs an etching process to remove the SiO_2 layer with an etching chemical HF. This releases the MEMS device from the host substrate. During this step, the target substrate, the MEMS device, and the bonding joints

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between the MEMS device and the target substrate are exposed to the etching chemical. Next at step 6, the host substrate is removed to complete the transfer of the MEMS device to the target substrate.

In stark contrast, Claims 1, 2, and 5 recite "causing said joints and said device wafer to be isolated from exposure to an etching chemical." This is completely different from the processing step 4 in Harsh. This difference is significant in a number of aspects. For example, as stated in the paragraph [0016] on pages 5-6 in the specification, this isolation protects the bonding between the membrane to be transferred and the device wafer and allows a variety bonding materials to be used. In addition, other structures or elements fabricated on the device wafer are also isolated from the etching chemical. This reduces any adverse impact on such structures or elements on the device wafer caused by the etching chemical. Harsh certain does not recognizes these technical issues and associated advantages of the present invention. It should not be a surprise that Harsh does not disclose the unique transfer methods of Claims 1, 2, and 5.

Therefore, Claims 1, 2, and 5 are distinctly different from Harsh and are patentable over Harsh. Applicants respectfully

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request the Patent Office to withdraw the rejections and to allow the claims.

Claims 3, 4, and 11 stand rejected under 35 USC 103(a) as allegedly being obvious over Harsh alone or in view of either or both of Bowers and Aigner. Applicants respectfully traverse. As discussed above, Harsh fails to disclose each feature of Claim 1. Since Claims 3, 4, and 11 are dependent on Claim 1, Harsh also fail to disclose each feature of Claims 3, 4, and 11. Borwer and Aigner each certainly do not cure the void in the disclosure of Harsh based on the specific combinations suggested in the Office Action. Accordingly, Claims 3, 4, and 11 are patentable under 35 USC 103(a).

In summary, Claims 1-5 and 11 are distinctly patentable over cited prior art. All pending claims should be allowed. Accordingly, the application is now in full condition for allowance and an official notice to this effect is respectfully solicited.

Please charge a fee of \$117 for excess claims and apply any charges or credits to Deposit Account No. 06-1050.

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Respectfully submitted,

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8/2/03

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